

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	CASE NO. 21-cr-137 (TFH)
v.	:	
	:	
BRIAN GUNDERSEN,	:	
	:	
Defendants.	:	

**JOINT MOTION TO CONTINUE AND
TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and Eugene Ohm, counsel for Brian Gundersen, hereby move this Court for a 60-day continuance of the above-captioned proceeding, and further to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7). In support of its motion, the parties state as follows:

1. Defendant is charged via indictment with offenses related to crimes that occurred at the United States Capitol on January 6, 2021. The defendant is currently released on his personal recognizance.
2. The government has sent a plea offer to the defendant, but the defense has advised it is not in a position to consider the plea offer until all discovery related to the Capitol cases is complete.
3. This morning, the government filed a status report regarding discovery (ECF No. 24). The government would point the Court to that report for further information, but the report describes how discovery on the Capitol cases as a whole will continue to take further time

given the logistics involved. Thus, the parties are asking for an additional status to allow more time for the discovery process to continue.

4. The parties agree that given these considerations, the ends of justice would be served by continuing this case for another status hearing in approximately 60 days, and that those ends of justice outweigh the best interests of the public and the defendant in a speedy trial during that time.
5. The parties have conferred on availability and are available anytime from October 25, 2021 to October 29, 2021, **except** 1) from 9:30 a.m. until 11:00 a.m., and again from 2:00 p.m. onwards on Monday, October 25, 2021; and 2) from 9:30 a.m. until noon on Friday, October 29, 2021.

WHEREFORE, the parties respectfully request that this Court grant the motion for a 60-day continuance of the above-captioned proceeding, and that the Court exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7).

Respectfully submitted,

CHANNING D. PHILLIPS
Acting United States Attorney
DC Bar No. 415793

By: /s/
Kevin Birney
Assistant United States Attorney
Bar No. 1029424
555 Fourth Street, N.W., Room 4828
Washington, DC 20530
Kevin.birney@usdoj.gov
(202) 252-7165

By: /s/
Eugene Ohm
Counsel for Brian Gundersen
625 Indiana Avenue, NW, Suite 550
Washington, DC 20004
Eugene_ohm@fpd.org
(202) 208-7500

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ORDER

Based upon the representations in the Joint Motion to Continue and to Exclude Time Under the Speedy Trial Act, and upon consideration of the entire record, it is hereby, this _____ day of _____, 2021,

ORDERED that the Joint Motion to Continue and to Exclude Time Under the Speedy Trial Act, is hereby GRANTED; it is further

ORDERED that this proceeding is continued to _____, 2021, at _____; and it is further

ORDERED that the time period from August 26, 2021 through and including the date of the next hearing is hereby excluded from the computation of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

THE HONORABLE THOMAS F. HOGAN
UNITED STATES SENIOR JUDGE